MINUTES OF THE MEETING OF THE SENATE COMMITTEE ON TAXATION

SIXTY-FIRST SESSION NEVADA STATE LEGISLATURE March 12, 1981

The Senate Committee on Taxation was called to order by Chairman Keith Ashworth at 2:04 p.m., Thursday, March 12, 1981, in Room 213 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Keith Ashworth, Chairman Senator Norman D. Glaser, Vice Chairman Senator Don Ashworth Senator Virgil M. Getto Senator James N. Kosinski Senator William J. Raggio

COMMITTEE MEMBER ABSENT:

Senator Floyd R. Lamb

GUEST LEGISLATOR:

Senator Sue Wagner

STAFF MEMBERS PRESENT:

Ed Shorr, Deputy Fiscal Analyst Colleen Crum, Committee Secretary

SENATE BILL NO. 244

Senator Sue Wagner repeated testimony given at the February 25, 1981 hearing.

Senator Getto asked if senior citizens should be required to apply annually for the exemption. Senator Wagner said she had not given thought to that philosophy and felt it was a decision for the committee to make.

Senator Getto stated only a small percentage of those eligible have applied for this benefit. Senator Wagner said the money

appropriated in the Governor's budget would cover the impact of this bill. Mr. Ed Shorr, Deputy Fiscal Analyst, explained the amount appropriated in the Governor's budget is based on the present property tax. Passage of property tax relief would result in additional money in the Governor's budget to use either for this program or for some other program.

The committee compared a similar bill, Senate Bill No. 15, with Senate Bill No. 244.

Mr. Shorr presented a copy of the Senior Citizens' Property Tax Assistance budget. (See Exhibit C.) Senator Raggio asked for clarification that the cost of Senate Bill No. 244 would not be an additional \$2.53 million. Mr. Shorr explained the cost would be an additional \$300,000 over the present appropriation in the Governor's budget.

Mr. Orvis Reil, representing the American Association of Retired Persons, spoke in support of the bill. He asked the committee to consider the problems of veterans who are under a pension plan. A clause in the veterans pension plan deducts from their pension money any rebates veterans receive.

Senator Raggio explained there is a serious constitutional question to granting allowances to veterans. The chairman feared that if the committee tried to alter this situation, a can of worms would be opened and it would be even more difficult to grant allowances.

SENATE BILL NO. 301

Mr. Richard Bennett, representing the Sierra Manor Elderly Housing Project in Sparks, explained why this legislation is necessary. The Department of Housing and Urban Development (HUD) sponsors three 202 projects in the state of Nevada.

Senate Bill No. 301 would exempt these projects and any future projects from real property taxation. He explained HUD finances these projects through a direct loan to a non-profit borrower. Tenants pay 25 percent of their adjusted income for rent. The balance of the rent is made up by a HUD subsidy. Most of the states west of the Mississippi exempt property taxes for these projects. HUD makes grants based on feasibility

with cost of construction and operation the prime consideration. He said it is becoming more difficult for Nevada to compete with other states for grants because of the high cost of construction and real property tax.

Mr. Bennett suggested amending the preamble of the bill by adding "or handicapped persons" after "elderly persons". He explained that 202 projects house handicapped persons as well as the elderly.

Senator Kosinski observed that the fiscal note mentioned only two projects. Mr. Bennett stated the Fiscal Analysis Division of the Legislative Counsel Bureau was aware of the error.

Mr. Patrick J. Simonelli, an attorney for the HUD office in San Francisco, was asked by the chairman if Nevada was in jeopardy of not receiving future HUD grants because it charges property tax. Mr. Simonelli explained that property tax affects the feasibility of the project. HUD has statutory limits on construction costs as well as on tenant subsidies. Exempting property tax would enable lowering the rent approximately \$45 to \$50 per month.

Senator Raggio asked which states west of the Mississippi have enacted similar legislation. Mr. Simonelli said the states exempting property tax are California, Arizona, Oregon, Washington, Colorado, Montana, Wyoming, Utah, North Dakota, Kansas, Missouri, and Iowa.

The chairman closed the hearings on Senate Bills No. 244 and 301.

SENATE JOINT RESOLUTIONS NO. 6 AND NO. 21

The chairman explained these two resolutions are almost identical, except Senate Joint Resolution No. 21 says, "The legislature shall provide by law for the taxation of minerals, including without limitation coal, oil, natural gas and other hydrocarbons, at a rate not greater than 5 percent of their value as net proceeds." He asked the committee to take action on one of these bills.

Senator Raggio stated the committee must decide if there is a consensus for providing a separate classification for resi-

dential property and whether the committee wants to allow one or more classes within the residential classification. He explained classification within residential classes could be multi-family units, apartment houses, and owner-occupied residential property. The chairman stated the legislature should have the ability to make classifications.

Senator Raggio stated there must be committee consensus on the following issues: 1) residential property classification; 2) determination of more than one class within residential property classification; 3) a division on the proceeds of mines; and 4) taxation of out-of-state utilities.

The chairman asked for the consensus of the committee on how to deal with the renter. The committee agreed to include the renter in the measure. The chairman explained this meant the language "in one or more classes" must remain in the bill.

Senator Raggio clarified the meaning of classifying residential property separately. He said it means any lower rates must be given across the board to all residential property. He explained residential property is a generic class which includes owner-occupied and multi-family homes. This enables giving relief to properties other than owner-occupied.

The chairman asked for a consensus on the issue of mines. The committee agreed to address the subject of mines, but not in the same resolution. It was decided to take testimony on the subject of mines before deciding what action the committee should take.

Senator Raggio suggested utilizing <u>Senate Joint Resolution No. 6</u> because it includes more than one classification for residential property and conducting hearings on <u>Senate Joint Resolution No. 21</u> on the subject of mines and utilities. It was decided to schedule a hearing on <u>Senate Joint Resolution No. 21</u> on Tuesday, March 17, 1981.

Mr. Shorr was asked to provide the committee with information on the impact of <u>Senate Joint Resolution No. 21</u> on mining companies. The chairman asked Mr. Shorr to show what the

net proceeds would have been for the past two years if the proposal advanced in <u>Senate Joint Resolution No. 21</u> had been in effect.

The chairman asked for consideration on Senate Joint Resolution No. 6. (Exhibit D.)

Senator Raggio moved that <u>Senate Joint Resolution No. 6</u> be approved.

Senator Getto seconded the motion.

The motion carried. (Senator Lamb was absent for the vote.)

The chairman asked for consideration on Senate Bills No. 15 and No. 244. Senator Raggio stated the committee should determine its action on property tax relief before making a decision on these two bills. It was decided to hold both bills for future consideration.

The chairman asked for consideration on Senate Bill No. 301
(Exhibit E.)

Senator Raggio moved that <u>Senate Bill No. 301</u> be amended to add "elderly or handicapped persons" on line 4, and be approved.

Senator Don Ashworth seconded the motion.

The motion carried. (Senator Lamb was absent for the vote.)

A letter from Mr. Roy E. Nickson, Executive Director of the Department of Taxation, on property reduction through a cyclical concept was presented to the committee. (See Exhibit F.)

Senator Kosinski asked Mr. Marvin Leavitt, a member of the tax task force, to explain the Assembly Committee on Taxation's action on the sales tax issue. Mr. Leavitt stated the Assembly Committee on Taxation asked for a bill to be drafted which would increase the sales tax to 5.25 cents. Included in the

bill is a formula for equalizing assessments by a factoring system. Mr. Leavitt stated his group will compute the effects of the 5.25 cent sales tax.

The chairman noted it was important to fix revenue caps as soon as possible so that the effects of the tax relief measures on local governments could be analyzed.

Senator Don Ashworth asked why it was necessary to cap expenditures as well as revenue. It was explained that capping both expenditures and revenue would force entities to return windfalls to the people through the reduction of the ad valorem tax. Entities are not presently returning windfalls to the people.

Senator Kosinski asked why the Assembly decided to eliminate the gaming pick-up tax. Mr. Leavitt stated there has been disagreement as to the method by which the gaming levy should be applied. The chairman explained there is fear that the pick-up tax would be challenged in court as being an unequal tax.

Senator Don Ashworth asked why it is considered equal taxation when different counties have different rates for taxation. Senator Raggio stated that each particular taxing authority must tax at a uniform rate. The taxing authority is the county.

The chairman clarified that the Assembly did not kill a Senate bill as reported in the meeting of March 10, 1981.

There being no further business, the meeting adjourned at 3:18 p.m.

Respectfully submitted by:

Colleen Crum, Secretary

APPROVED BY:

Senator Keith Ashworth, Chairman

DATE: 3-17-81

SENATE AGENDA

Amended Date: 3/6/81

COMMITTEE MEETINGS

EXHIBIT A

Committee	on	TAXATION	·	Room	213
Day _	Thursday	, Date	March 12	Time	2:00 p.m.

AMENDED AGENDA

- S. B. No. 244--Increases certain allowances to elderly for property taxes.
- S. B. No. 301--Exempts housing for elderly persons operated by nonprofit corporations from property tax.

NOTE: S. B. No. 275, originally scheduled, will be rescheduled at a later date.

ATTENDANCE ROSTER FOL

COMPTEE MEETINGS

SENATE COMMITTEE ON TAXATION

EXHIBIT B

DATE: March 12, 1981

PLEASE PRINT	PLEASE PRINT PLEASE PRINT	PLEASE PRINT			
NAME	ORGANIZATION & ADDRESS	TELEPHONE			
	City of party bacillacias	855-2121			
SE CATICALT GEORGE TACKETT	No Ben	789-8496			
		@:			
P		= =			
	=				
13					
	·				
	n.	=			
		226			
		*			
	m _ E				
_ =					

Program Statement

The purpose of the Senior Citizens' Property Tax Assistance Program is to provide relief to eligible senior citizens who are carrying an excessive residential property tax burden in relation to their income, and to those senior citizens who, through rent payments, pay a disproportionate amount of their income into property taxes. The relief is to be provided through a system of property tax credit memorandums, refunds, and transfers from the Senior Citizens' Property Tax Assistance Pund.

Subject to the limitations contained in NRS 361.800 to 361.877, inclusive, a claimant is entitled to an allowance against personal property tax from the State equal to a percentage of the property tax paid, or a refund to the extent determined by the schedule below with respect to that portion of rent which is deemed to constitute accrued property tax. The percentage of property tax credit or refund currently allowed to each claimant is as outlined in the table below.

Income Range if the Amount of Applicant's Income is Over		But Not Over	% of Claimant's Tax Accrued Allowable As Assistance				
	8 0	\$ 2,999	90%				
	3,000	4,990	78%				
	5,000	0,000	\$095				
	7,000	0,009	25%				
,	10,800	11,000	10%				

In no event shall the credit or the refund from the State exceed the amount of accrued property tax paid or \$500.60, whichever is less.

To be eligible, a person must be a resident of Neveda and attain the age of 62 on or before the last day of June Immediately preceding the filing period.

Sub-Account Explanations

Salaries	- Two	permanent	staff in	the Departm	ent of Tax	nation adr	ninister	the
program budret.	along	with three	seasonal	cierical posit	lons which	are paid	out of	this

Date Who	of Hear Testifier	ring	•		
Date	Budget	Closed	 	-	

SO CITIZENS PROPERTY TAX AS	515 T	ANCE - Continu	IOU									003	63	
SA CITIZENS PROPERTY TAX AS		1979-80 ACTUAL		1980-81 WORK PROGRAM		AGENCY REQUEST	1981	GOVERNOR RECOMMENDS	LEG.		AGENCY REQUEST	-586 A	GOVERNOR LECOMMENOS	LEG AP.
REGULAR APPROPRIATION REVERSIONS REFUNDS	1	1.650.000		1,815,000	\$	1,750,000	\$	1,750,000		\$	1,900,000	\$	1,900,000	
TOTAL FUNDS AVAILABLE		1,330,108	5	1,815,000	\$	1,750,000	\$	1.750,000		\$	1,900,000	\$	1,900,000	
PERSONNEL EXPENSES IMPUSTRIAL INSURANCE RETIREMENT - CLASSIFIE	*	7,791	\$	11,000	\$	5,623	\$	11,000		\$	5,623	\$	11,000	
RETIREMENT - CLASSIFIE PER ASSESSMENT CLASSIF GROUP INSURANCE PAYROLL ASSESSMENT CLA		271 70 101 29								•				
OVERTIME PAY THON HOLI		480							::::::				11,000	:::
TOTAL SALARY-PAYROLL	\$	8,906	\$	11,000		5,623	\$	11,000			5,623			
HOME OWNERS REBATE ATO TO COUNTIES SR CIT PROP TAX ASST A	•	1,124,521	\$	1,804,000	\$	1,732,377	\$	1,726,848			1,001,177	\$	1,874,940	
						1,732,377	1	1,726,848		8	=1,881,177	n \$	1,874,940	
TOTAL FOR SUB ACCT 10		1,321,202		1,804,000				****						
DATA PROCESSING					8	12,000	\$	12,152			13,200		14,060	===
TOTAL AGENCY EXPENDITURES	8	1,330,108	3	1,815,000	\$	1,750,000		1,750,000			1,900,000		1,900,000	

AGENCY BALANCE

S. J. R. 6

SENATE JOINT RESOLUTION NO. 6—SENATORS LAMB, GIB-SON, DON ASHWORTH, KEITH ASHWORTH, BILBRAY, BLAKEMORE, CLOSE, ECHOLS, FAISS, FORD, GETTO, GLASER, JACOBSEN, KOSINSKI, McCORKLE, NEAL, RAG-GIO, WAGNER AND WILSON

JANUARY 20, 1981

Referred to Committee on Taxation

SUMMARY—Permits separate classification of residential property for taxation. (BDR C-708)

FISCAL NOTE: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in trailer is new; matter in brackets [] is material to be omitted.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada constitution to permit the separate classification of residential property for the purpose of taxation.

Resolved by the Senate and Assembly of the State of Nevada, jointly, That section 1 of article 10 of the constitution of the State of Nevada be amended to read as follows:

Section 1. 1. The legislature shall provide by law for a uniform and equal rate of [assessment and] taxation, but may classify residential property separately, in one or more classes, for the purpose of valuation or assessment, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, when not patented, the proceeds alone of which shall be assessed and taxed, and when patented, each patented mine shall be assessed at not less than five hundred dollars (\$500), except when one hundred dollars (\$100) in labor has been actually performed on such patented mine during the year, in addition to the tax upon the net proceeds [; shares], and other property for which specific provision is made in this section.

10

11

12

13

14

15

16

17

18

19

20 21

22

2. Shares of stock (except shares of stock in banking corporations), bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt. [Notwithstanding the provisions of this section, the]

3. The legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is

EXHIBIT D

Senate Joint Resolution No. 6 (cont'd)

15 16

17

18

20

21

24

27

___ 2 ___

being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such a plan is provided, the legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The legislature may exemp: motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The legislature may exempt any other personal property, including livestock.

7. No inheritance or estate tax shall ever be levied. [, and there shall also be excepted such property as may be exempted by law]

8. The legislature may exemp: by law property used for municipal, educational, literary, scientific or other charitable purposes.

6

S. B. 301

SENATE BILL NO. 301—COMMITTEE ON TAXATION

FEBRUARY 25, 1981

Referred to Committee on Taxation

SUMMARY—Exempts housing for elderly persons operated by nonprofit corporations from property tax. (BDR 32-1139)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in ttalies is new; matter in brackets [] is material to be omitted.

AN ACT relating to the property tax; exempting certain housing for elderly persons owned or operated by nonprofit corporations from the tax; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 361 of NRS is hereby amended by adding thereto a new section which shall read as follows:

All real property and tangible personal property used exclusively for housing and related facilities for elderly persons are exempt from taxation if:

1. The property was wholly or partially financed by a loan under the Housing Act of 1959, as amended, 12 U.S.C. § 1701q; and

2. The property is owned or operated:

10

11

12

(a) By a nonprofit corporation organized under the laws of the State of Nevada; or

(b) By a nonprofit corporation organized under the laws of another state and qualified to do business as a nonprofit corporation under the laws of the State of Nevada.

9

Department of Taxation

Capitol Complex CARSON CITY, NEVADA 89710 Telephone (702) 885-4892

In-State Toll Free 800-992-0900



RUBERT LIST, Governor

ROY E. NICKSON, Executive Director

March 10, 1981

EXHIBIT F

Roy E. Nickson, Executive Director

From:

Charles Chinnock, Chief, Division of Assessment Standards

This discussion is based upon a proposal to reduce properties reappraised in the last 5 years under a cyclical concept. Further, such reduction considers the appreciation that has occurred over a specific period of time.

An assumption is made, that property categories included are residential commercial and industrial, vacant and unimproved parcels appraised under a cyclical program. This would not include centrally assessed properties, personal property, right to receive power, locally assessed utilities and perhaps possessory use properties which are assessed annually.

Market appreciation rates have varied dramatically since 1976 within and between areas and counties. Reno has experienced greater appreciation than say Ely. Factors such as sewer, water and building moratoriums have influenced these appreciation rates both positively and negatively.

Residential properties have increased at rates greater than commercial properties. In general, it could be said that commercial properties have appreciated at a rate that may be only one-half that of residential properties.

In our more urban counties, properties have increased 100% or 1-1/2% per month since 1976. This is an "average" increase reflecting the entire 4 year period. Appreciation rates in any one year have varied from 10% to 30% per year. The higher appreciation rates of 30% per year occurred in the 1976-1978 time frame, tapering off to 18% per year in 1978-79, 10% to 12% in the 1979-80 time frame and falling below 10% in 1980 to 1981.

If one were to give more consideration to our urban counties the following would represent more typical appreciation rates and factors:

Roy E. Nickson March 10, 1981 Page Two

	1976	1977	1978	1979	1980
Actual rates	1.00	.806			
4 yr. average	1.00	.837	.701		

Commercial properties, perhaps, would be represented by the

et.	1976	1977	1978	1978 1979	
4 yr. average	1.00	.914	. 875	.764	699

The above examples illustrate parameters of property appreciation rates. Perhaps a consideration of a rate in-between but weighted towards residential would be worthwhile.

	1976	1977	1978	1979	1980
4 yr. average	1.00	.856	. 335	. 632	.545

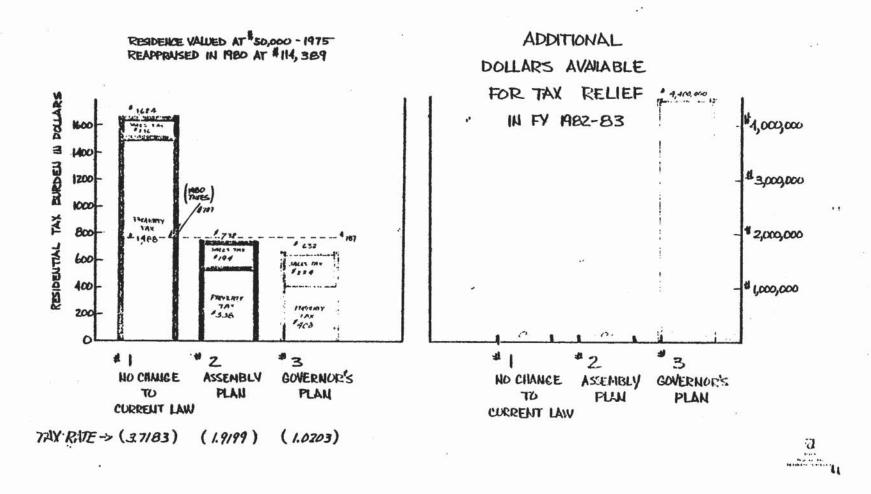
Any rates or factors chosen would be judgmental and would result in giving more relative relief to some categories of properties with respect to others.

The implementation of such a program would be much easier than any trending type program. Since the secured assessment roll includes properties annually assessed and also exemptions, consideration should be given to the fact that assessors would annually assessed properties and improvements without these at a proper reduction. Such reduction may have to be computed in such a manner which would be permitted legally.

Implementation would also involve these counties which have appraised land in one year and improvements in another. Implementation could be based upon the earliest year or upon the splitting of land and improvements with the application of two separate factors.

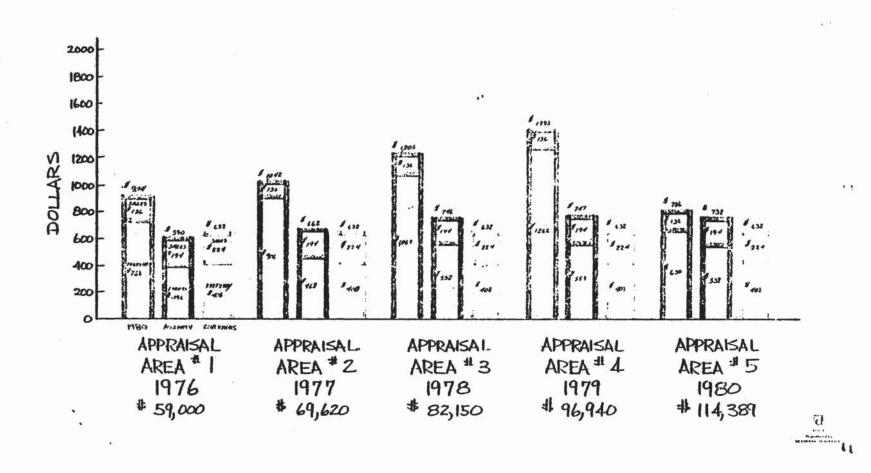
Based upon this cursory discussion a statewide total assessed valuation of approximately \$6,400,001,000 would result.

LAS VEGAS 1981-82 ESTIMATED TAX



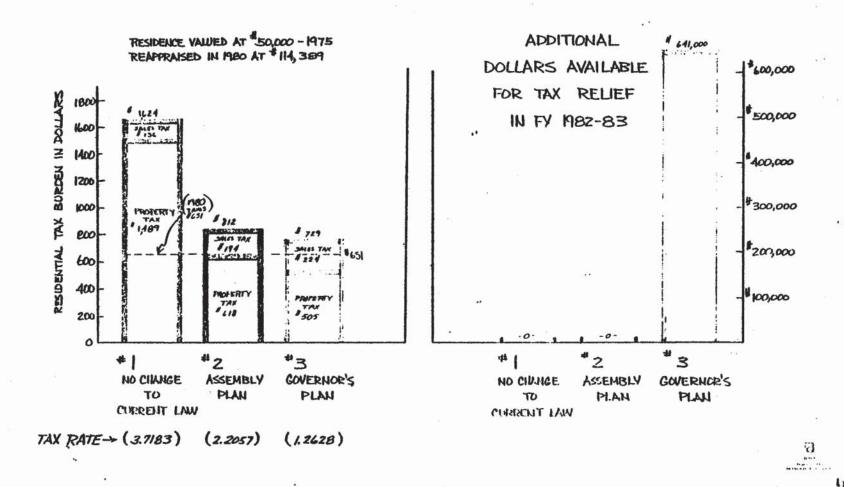
LAS VEGAS

TAX BURDEN ON HOMES WITH A 1975 VALUE of \$50,000



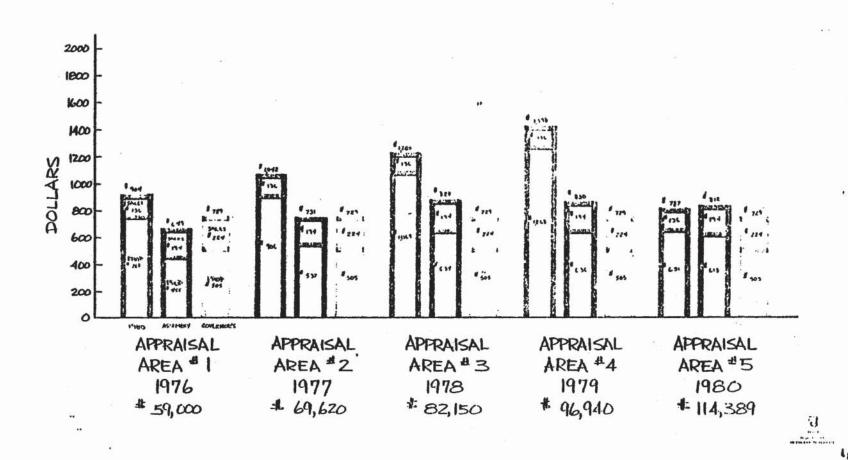
NORTH LAS VEGAS

1981-82 ESTIMATED TAX

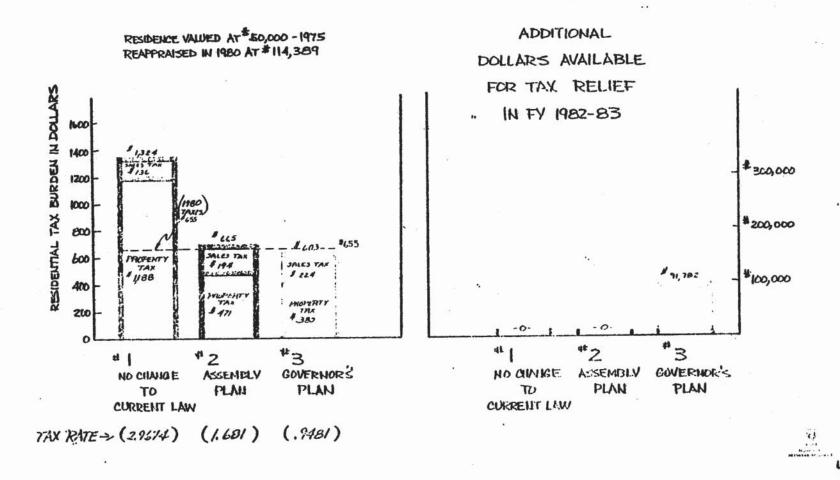


NORTH LAS VEGAS

TAX BURDEN ON HOMES WITH A 1975 VALUE & \$50,000

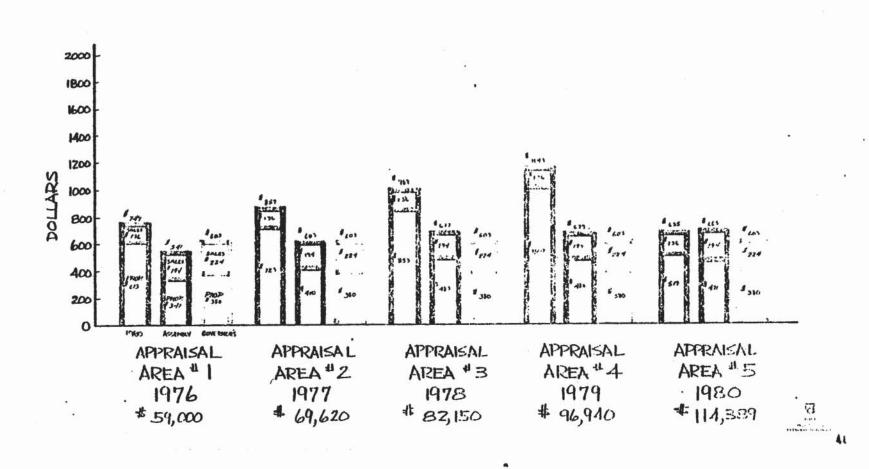


CLARK COUNTY (SOUTHWEST FIRE) 1981-82 ESTIMATED TAX

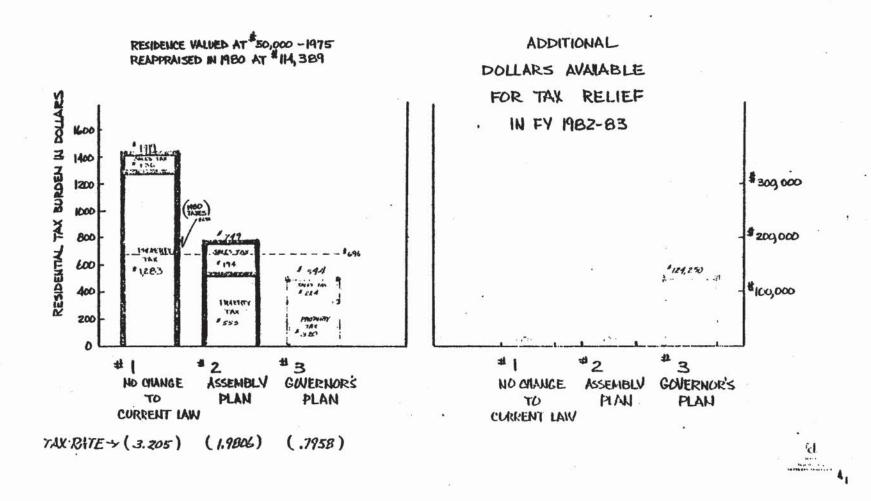


CLARK COUNTY SOUTHWEST FIRE DISTRICT

TAX BURDEN ON HOMES WITH A 1975 VALUE of \$50,000

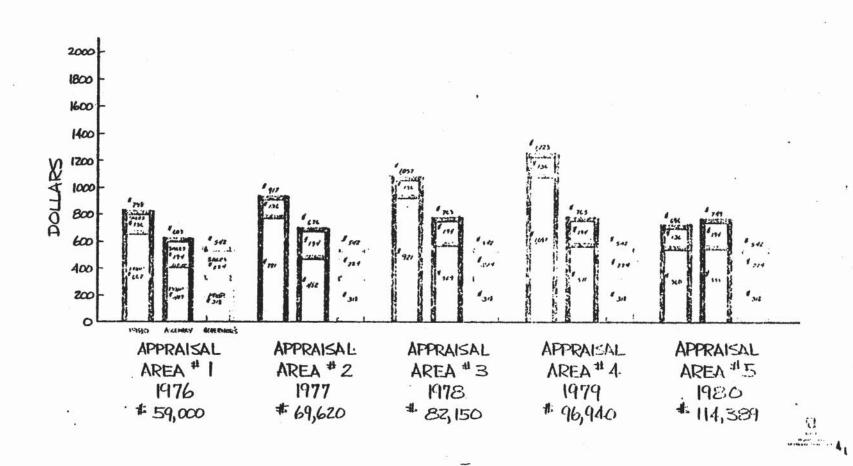


RENO 1981-82 ESTIMATED TAX

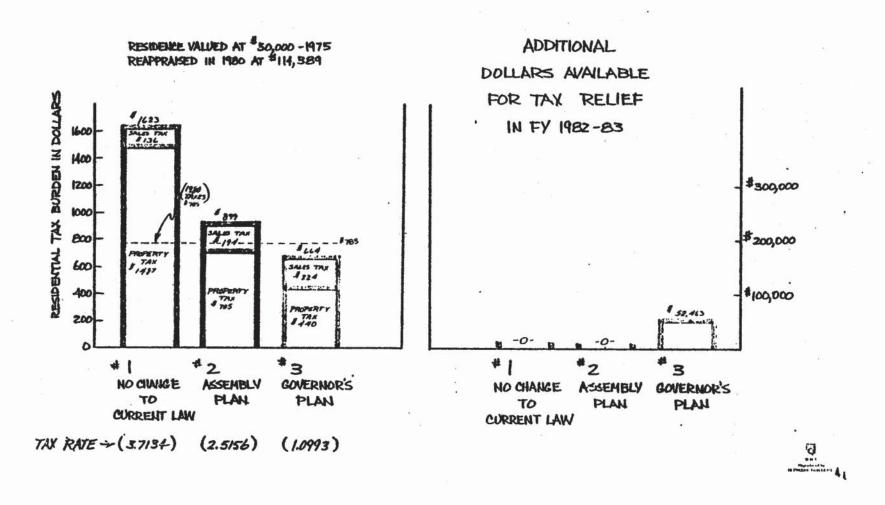


RENO

TAX BURDEN ON HOMES WITH A 1975 VALUE of \$50,000

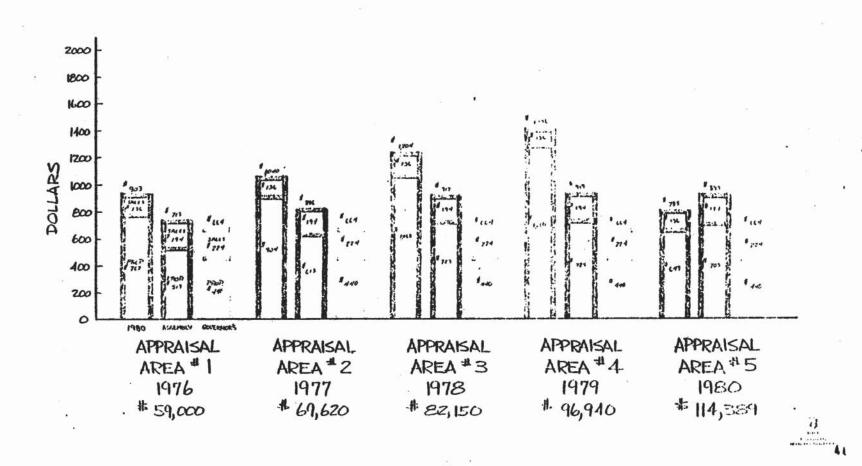


SPARKS 1981-82 ESTIMATED TAX

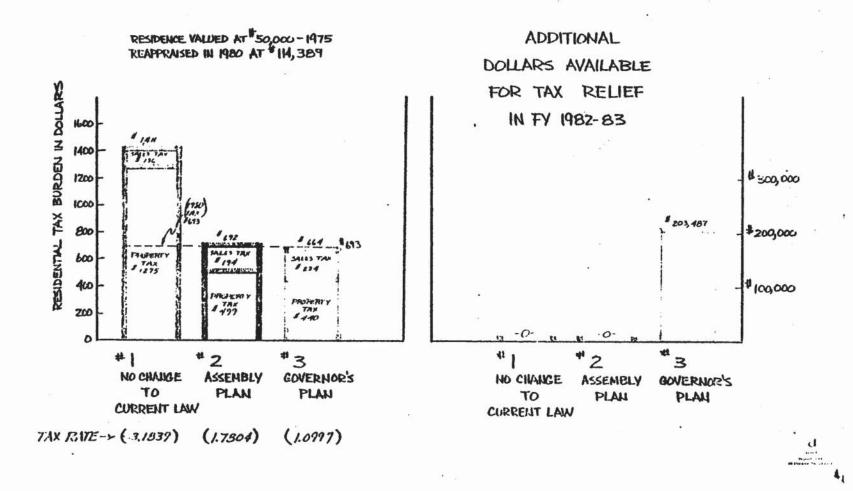


SPARKS

TAX BURDEN ON HOMES WITH A 1975 VALUE of \$50,000

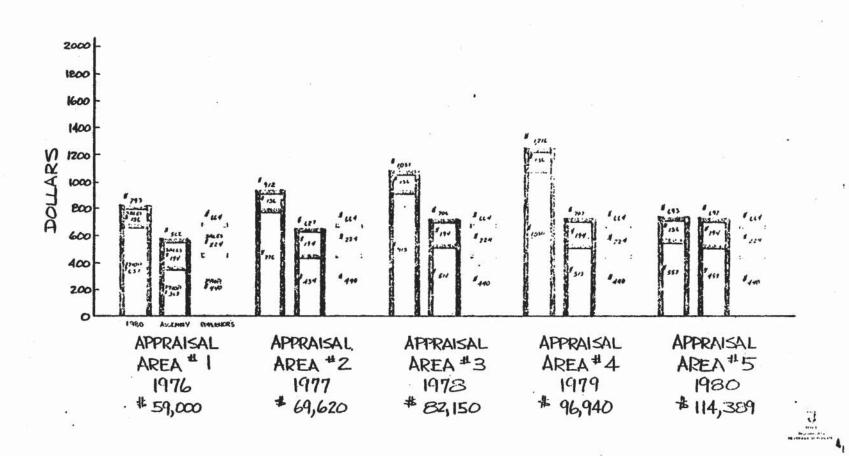


CITY OF ELKO 1981-82 ESTIMATED TAX

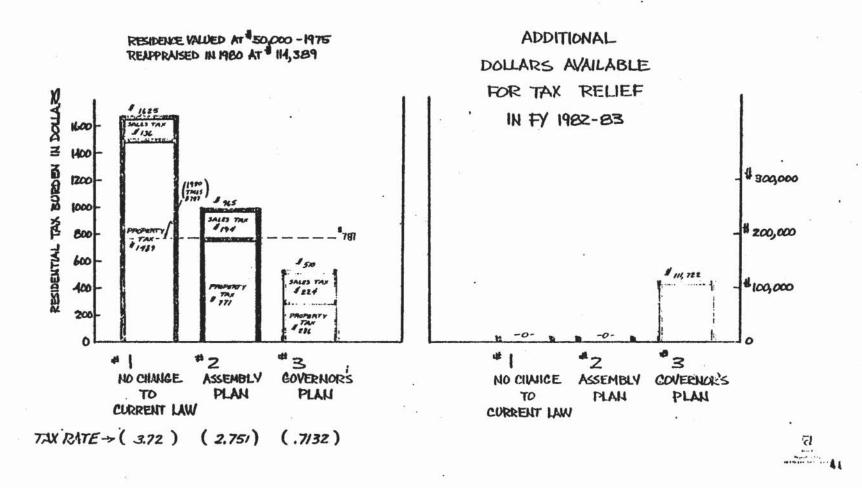


CITY OF ELKO

TAX BURDEN ON HOMES WITH A 1975 VALUE of \$50000

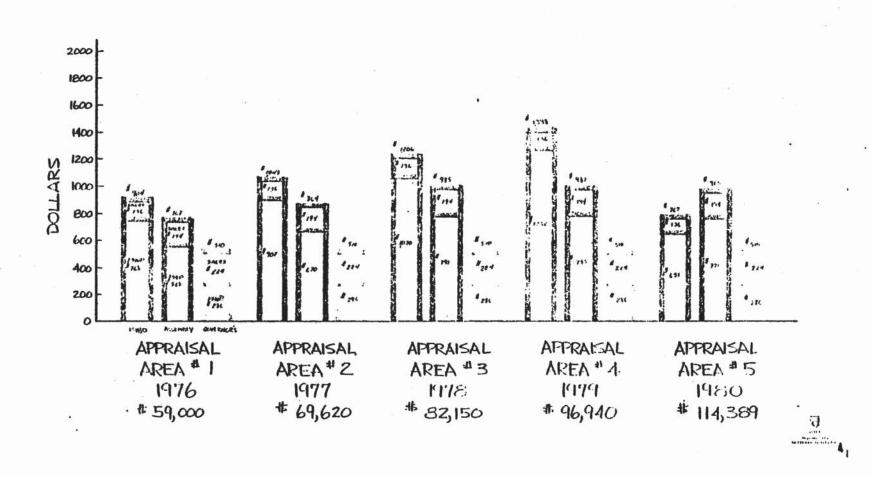


WINNEMUCCA 1981-82 ESTIMATED TAX

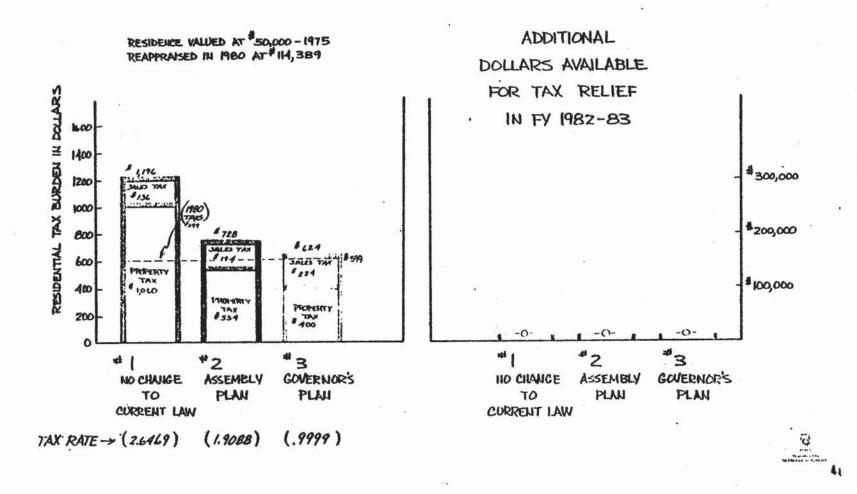


WINNEMUCCA

TAX BURDEN ON HOMES WITH A 1975 VALUE of \$50,000

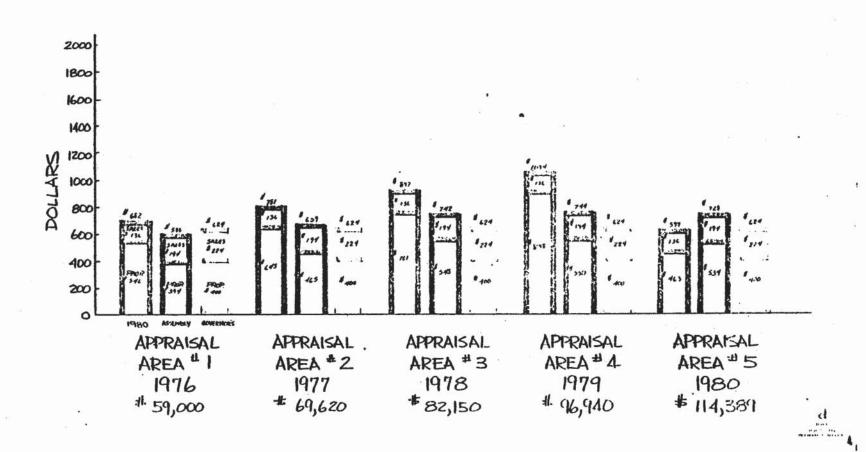


LANDER COUNTY 1981-82 ESTIMATED TAX



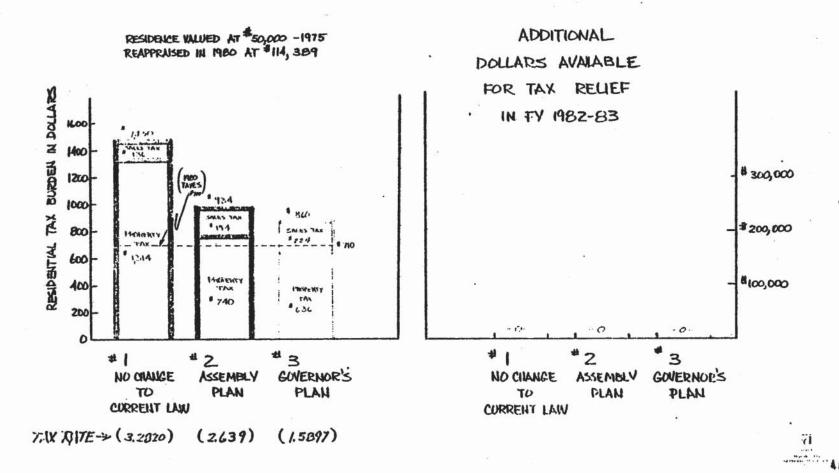
LANDER COUNTY

TAX BURDEN ON HOMES WITH A 1975 VALUE of #50,000



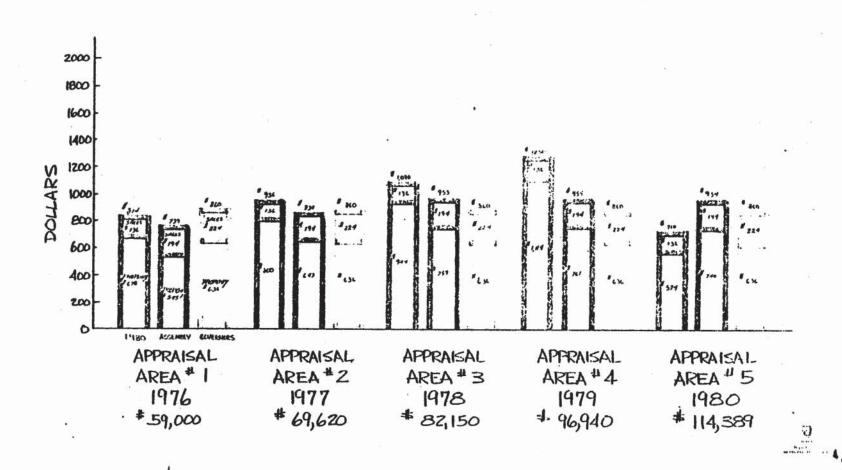
LYON COUNTY

1981-82 ESTIMATED TAX

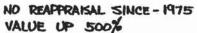


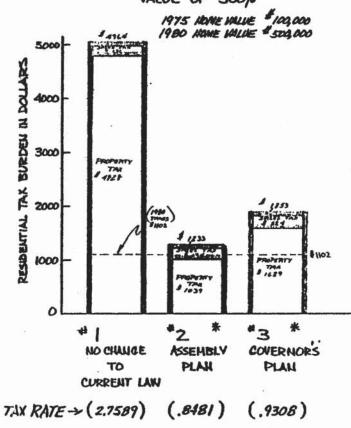
LYON COUNTY

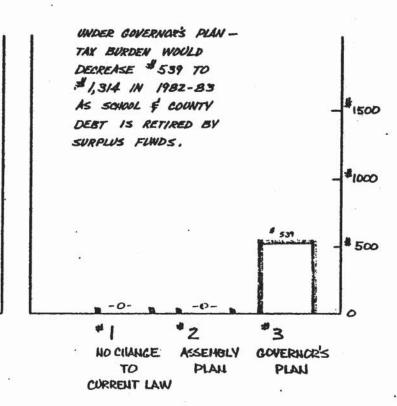
TAX BURDEN ON HOMES WITH A 1975 VALUE & \$50,000



DOUGLAS COUNTY TAHOE DOUGLAS SEWER DIST. 1981-82 ESTIMATED TAX



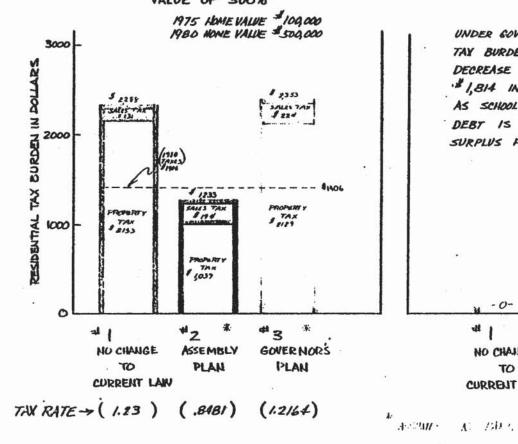


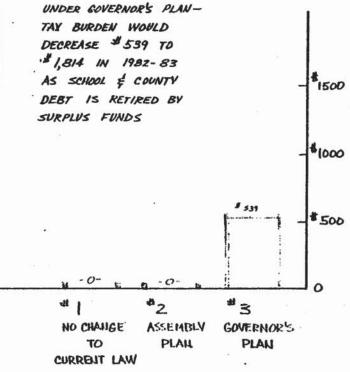


ASSUMES NO PARTICIPATION IN CORT REVENUES

DOUGLAS COUNTY MARLA BAY 1981-82 ESTIMATED TAX

NO REAPPRAISAL SINCE - 1975 VALUE UP 500%





ASSEMBLE AND TODAY OF MERCANDER STRAIN A